IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2179 OF 2004

M/s.Ashok Metal Industries. .. Petitioners
v/s.
BEST Undertaking through its ...
& anr. .. .. Respondents

Mr.A.B.Ketkar for petitioners.
Mr.Harish Toor i/by Bayley & Co. for res.No.1.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 17th January 2006

P.C. :

1. Heard the learned counsel for the parties.

2. The submission of the petitioners principally is that all of a sudden a supplementary bill has been raised for a period starting from January 1997 until 2003. Mr.Ketkar appearing for the petitioners has relied upon an order dated 23rd February 2005 passed by the MERC which is in favour of the petitioners. Even so, in our view, the proper remedy for the petitioners is to file a Suit. Mr.Ketkar seeks leave to withdraw the Petition with liberty to file a Suit.

3. The Petition is allowed to be withdrawn with liberty. The respondents will not take any

coercive steps for a period of two weeks hereafter. All the submissions of both the parties are kept open.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)